

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Agenda May 24, 2016 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilman Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- **Mayor Hernandez proclaims May 24, 2016 as ALS Awareness Month.**
- **Mayor Hernandez recognizes three (3) Hialeah High School students who have been accepted to Ivy League universities:**
 - (1) Jessie Rodriguez – Harvard University
 - (2) Daniela Mateu – Harvard University
 - (3) Samanta Carias – Brown University

- **Mayor Hernandez recognizes the following American Cancer Society volunteers for their efforts towards the Relay for Life/Relevo por la Vida 2016 event:**
 - (1) Christian Gonzalez
 - (2) Adrian Lazo
 - (3) Amanda Lazo
 - (4) Tyler J. Triana
 - (5) Jessenia Hechavarria
 - (6) Jesus Hechavarria
 - (7) Yanely Gonzalez
 - (8) Dianely Gonzalez
 - (9) Alexis Ribas
 - (10) Luis Michel Crespo
- **The Mujer Imagen Foundation recognizes Mayor Hernandez for all his support towards the Mujer a Mujer Mi Expo Show 2016. (GELIEN PEREZ)**

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on May 10, 2016. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-838, issued to All Uniforms Inc., to purchase uniforms for new fire personnel, by an additional amount of \$9,000, for a new total cumulative amount not to exceed \$24,000. (FIRE DEPT.)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-704, issued to Lou's Police Distributors, Inc., to pay for police uniforms and related accessories during the 2016 fiscal year, by an additional amount of \$12,000, in a total cumulative amount not to exceed \$52,000. (POLICE DEPT)
- D. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the City's Department of Public Works, and issue a purchase order to Power Depot, Inc., for the purchase of one (1) new Kohler stand-by generator for pump station 109, in a total cumulative amount not to exceed \$39,765. (DEPT. OF PUBLIC WORKS)
- E. Request permission to utilize State of Florida Contract # 445-001-11-1, since it is advantageous to the City, and issue a purchase order to W.W. Grainger Inc., to purchase

industrial supplies and materials, in a total cumulative amount not to exceed \$35,000. (DEPT. OF PUBLIC WORKS)

- F.** Request permission to increase purchase order # 2016-23, since it is advantageous to the City, issued to Miami Dade Water and Sewer Department, to cover the cost of the Miami Dade Water and Sewer Department Preston Laboratory water quality testing for the rest of the fiscal year, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the City's Department of Public Works and is one of the few laboratories certified to conduct these types of tests, and increase purchase order # 2016-1139, issued to Florida-Spectrum Environmental Services, Inc., to conduct water quality testing as needed for all of the City's Stage 2 By-Products Rule and the Reverse Osmosis Water Treatment Plant, by an additional amount of \$40,000, for a new total cumulative amount not to exceed \$80,000. (DEPT. OF PUBLIC WORKS)
- H.** Request permission to issue a purchase order to Hazen and Sawyer P.C., one of the firms approved by the City Council on June 8, 2010 for City engineering services, to inspect and document the findings of the inspection for pump stations 307 and 348, and to outline recommended improvements associated with mechanical, civil electrical, architectural, structural, heating, ventilating, and air conditioning (HVAC), plumbing, and instrumentation disciplines, in a total cumulative amount not to exceed \$74,012. (DEPT. OF PUBLIC WORKS)
- I.** Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the defined benefit/defined contribution plans, since it is advantageous to the City in that the firm has provided reliable investment advice and performance monitoring for the plans since October 2014, with the firm's compensation fee being based on a percent of the fund's assets at the end of each quarter (0.07% fee of the total assets). (OFFICE OF MANAGEMENT AND BUDGET)
- J.** Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Elected Officers' Retirement Trust, since it is advantageous to the City in that the firm has provided reliable investment advice and performance monitoring for the trust since February 2008, with the firm's compensation fee being based on a percent of the fund's assets at the end of each quarter (0.25% fee of the total assets). (OFFICE OF MANAGEMENT AND BUDGET)
- K.** Proposed resolution urging Governor Rick Scott and the Florida Legislature to appropriate additional funds necessary to combat violations of the Florida Condominium Act, expand the number of branch offices for the Ombudsman statewide, and increase the availability of education and training programs; in the alternative, to appropriate the necessary funding to enable local law enforcement agencies to investigate complaints for the purpose of assisting the Division of Condominiums in enforcing violations of the Condominium Act and provide greater protection of the rights of condominium owners; directing the City Clerk to transmit a copy of this resolution to the officials stated herein. (COUNCILWOMAN GARCIA-MARTINEZ)

- L.** Request permission to cancel the July 26, 2016 and December 27, 2016 City Council meetings, equivalent to one month of recess, pursuant to §3.01 of the City Charter (OFFICE OF THE CITY CLERK)
- M.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to PC Solutions & Integration, Inc., vendor providing the lowest quotation, for installation, configuration and five-year support of a LAN/Wi-Fi LAN upgrade for JFK Library and five (5) branches including switches, firewalls and wireless access points, using U.S. General Services Administration (GSA) Contract # GS-35F-0511T, for a total cumulative amount not to exceed \$88,057, of which \$64,395 will be reimbursed to the City of Hialeah if the City obtains E-Rate approval. (LIBRARY DEPT)
- 3.** Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit “1”. **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMNISTRATION)

<i>Item was not heard and was postponed per the request of the applicant’s representative on May 10, 2016 until May 24, 2016.</i>
<i>Item was not heard and was postponed per the request of the applicant’s representative on April 26, 2016 until May 10, 2016.</i>
<i>Item was not heard and was postponed per the request of the applicant’s representative on April 12, 2016 until April 26, 2016.</i>
<i>Item was not heard and was postponed per the administration on March 8, 2016 until April 12, 2016.</i>
<i>Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.</i>
<i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i>
<i>Item was approved by the City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

- 4.** Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as

Exhibit “1”. **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was not heard and was postponed, per the request of the applicant’s representative, on May 10, 2016 until May 24, 2016.

Item was not heard and was postponed, per the request of the applicant’s representative, on April 26, 2016 until May 10, 2016.

Item was not heard and was postponed, per the request of the applicant’s representative, on April 12, 2016 until April 26, 2016.

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Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.

Item was postponed by the administration on December 8, 2015 due to notice requirements.

Item was approved by the City Council on first reading on November 24, 2015.

Item was approved by the Planning and Zoning Board on November 18, 2015.

5. Second reading and public hearing of proposed ordinance adopting a text amendment to the Future Land Use Element of the Hialeah, Fla., Comprehensive Plan to expand the scope of the Neighborhood Business District Overlay; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (PLANNING AND ZONING DIV.)

Item was approved by the City Council on first reading on May 10, 2016.

6. Board Appointments
7. Unfinished Business
8. New Business
9. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-3-3 (Multiple Family District) to C-2 (Liberal Retail Commercial District), granting a conditional use permit (CUP) to allow a medical facility pursuant to Hialeah Code §98-181(2) e, and granting a variance permit to allow a LED Reader Board Display Pylon Sign outside the geographic area where LED signs are permitted, contra to Hialeah Code § 74-149 (b). **Property located at 6050 West 20 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Representative: Javier L. Vazquez)

<i>Item was postponed by the City Council, per the request of the applicant's representative, on May 10, 2016 until May 24, 2016.</i>

<i>Item was approved by the City Council on first reading on April 26, 2016. Second reading and public hearing was scheduled for May 10, 2016.</i>
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<i>Registered Lobbyist: Javier L. Vazquez, 1450 Brickell Avenue, Suite 1900, Miami, FL 33131</i>
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<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on April 13, 2016.</i>
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- PZ 2.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-3-3 (Multiple Family District) and granting a Variance Permit to allow a front yard setback of 11 feet for balconies, where 25 feet are required, to allow a front yard setback of 15 feet for the building, where 25 feet are required, and to allow 43% of the net residential land area to be covered with open parking areas, vehicular drives and accessory service structures, where a maximum of 40% is allowed, contra to Hialeah Code §§ 98-589 and 98-2056(b) (3). **Property located at 3500 West 9 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Hugo Arza on behalf of Hialeah 10.1 Acres, LLC and Les Chalet Investments LLC)

<i>Item was approved by the City Council on first reading on May 10, 2016.</i>
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<i>On April 26, 2016 the City Council overturned the denial of the Planning and Zoning. First reading was scheduled for May 10, 2016.</i>

<i>Item was postponed by the City Council on April 12, 2016 until April 26, 2016 per the request of the applicant's representative.</i>

<i>Planner's Recommendation: Approval</i>

<i>Item is considered denied by the Planning and Zoning Board – March 23, 2016.</i>

<i>Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>

<i>Registered Lobbyist: Juan J. Mayol, Jr., Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>

<i>Registered Lobbyist: Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>
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- PZ 3.** Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property is a vacant parcel lying on the north side of West 78 Road between Red Road and West 2nd Court, Hialeah, Florida;** providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Alejandro Vilarello, P.A. on behalf of Hialeah 22, LLC)

<i>Item was approved by the City Council on first reading on May 10, 2016.</i>

<i>Planner's Recommendation: Approval</i>

<i>Registered Lobbyist: Anthony Escarra, 16900 NW 59 Avenue, Miami Lakes, FL 33016</i>

<i>Item was approved by the Planning and Zoning Board on April 27, 2016.</i>
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- PZ 4.** First reading of proposed ordinance rezoning property from R-2 (One and Two Family Residential District) to C-2 (Liberal Retail Commercial). **Property located at 40 East 10 Avenue, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Felix M. Lasarte, Esq. as representative of the owner of the property)

<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>
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- PZ 5.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to OPS (Office and Professional Services District). **Property located at 791 East 23 Street, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Ceasar Mestre, Esq. as representative of the owner of the property)

<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>
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- PZ 6.** First reading of proposed ordinance amending Hialeah, Fla., Ordinance 2015-02 (February 10, 2015) that rezoned property from B-1 (Highly Restricted Retail District) to R-3-5 (Multiple Family District) and granted a Variance Permit to allow 34 parking spaces, where 39 are required, to

further reduce the number of parking spaces from 34 parking spaces to 18 parking spaces. **Property located at 1190 Southeast 8 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Spinal Cord Living Assistance Development, Inc. (SCLAD) c/o Pedro Rodriguez, CEO*)

<i>Planner's Recommendation: Approval subject to Declaration of Restrictions to address parking.</i>

<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>
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- PZ 7.** First reading of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business District (NBD) overlay on property located at an activity node area pursuant to Hialeah Code §98-1630.8; and granting a Variance Permit to allow a building height of 96.33 feet, where 95 feet is the maximum allowed, and to allow 15.24 % of the residential units to have a floor area of 660 square feet, where a maximum of ten percent of residential units may have a minimum floor area of 600 square feet; contra to Hialeah Code §§ 98-1630.3 (b) and 98-1630.2. **Property is a vacant parcel lying on the north side of East 2nd Street and the south side of East 3rd Street, between East 1st Avenue and East 2nd Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: ELF Investment Group, LLC*)

<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>
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NEXT CITY COUNCIL MEETING: Tuesday, June 14, 2016 at 7:00 P.M. v

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August , 2016 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305)

883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).